



# Indiana Department of Homeland Security

## 2009 Bills of Interest

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### [HB1011 Regulation of firearms during an emergency.](#)

Prohibits the state, a political subdivision, or any other person from prohibiting or restricting the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during a declared disaster emergency, energy emergency, or local disaster emergency. Repeals provisions that allow certain political subdivisions to adopt emergency ordinances to regulate firearms if a local disaster emergency has been declared.

### [HB1034 Lights on private emergency vehicles.](#)

Provides that a privately owned emergency vehicle may display green light emitting diodes (LEDs) instead of a standard bulb with a green lens. Deletes restrictions concerning the number, type, and placement of green lights that may be displayed on privately owned emergency vehicles.

### [HB1052 Paramedic licensing.](#)

Establishes the paramedic board to license paramedics instead of the certification of paramedics by the emergency medical services commission. Sets qualifications and requirements for a licensed paramedic. Makes it a Class B misdemeanor to practice as a paramedic without a license. Grandfathers in certain requirements. Makes conforming changes.

### [HB1144 K-12 school building plans.](#)

Requires a school corporation to use standardized plans and specifications for construction, alteration, and repair of school buildings, athletic facilities, and other facilities. Permits a school corporation to appeal to the state board of education for approval to use other plans and specifications. Provides that the state board may approve the plans and specifications proposed by a school corporation if the board finds that using the proposed plans will be as efficient and cost effective as using the standards.

### [HB1147 Local control of consumer fireworks.](#)

Authorizes a county, city, or town to adopt an ordinance limiting or prohibiting the sale or use of consumer fireworks within the jurisdiction of the county, city, or town, with certain restrictions.

### [HB1153 Volunteer firefighter tax deduction.](#)

Provides an individual income tax deduction of up to \$2,000 for a volunteer firefighter.

### [HB1165 Public safety survivors tuition and fee exemption.](#)

Exempts the children of a public safety officer who is killed in the line of duty from the payment of educational costs for up to 124 semester credit hours at a state educational institution or technical school. (Currently, the children must be younger than 23 years of age to use the benefit.)

### [HB1205 Injured volunteer firefighters.](#)

Provides that the state, a political subdivision, or a private employer may not discipline an employee who is a member of a volunteer fire department and who is injured or absent from work because of an injury that occurs while the employee is engaged in emergency firefighting or emergency response activities. Provides that the employer may require the injured employee to provide evidence from a physician or other medical authority showing: (1) treatment for the injury at the time of the absence; and (2) a connection between the injury and the employee's emergency firefighting or emergency response activities. Requires the employer, to the extent required by federal or state law, to retain information about the injury in a separate medical file and to treat the information as a confidential medical record. Allows an injured employee to use sick leave when the employee is absent from work because of an injury that occurs while the employee is engaged in emergency firefighting or emergency response activities.

### [HB1216 Valuable metal dealers and catalytic converters.](#)

Requires valuable metal dealers to collect and retain certain information concerning purchases of catalytic converters by the valuable metal dealers.

#### [HB1227 User fees for public safety runs.](#)

Authorizes the fiscal body of a municipality to impose a user fee or service charge for an emergency response or other service run: (1) that is made by a municipal law enforcement department, municipal fire department, or municipal ambulance service or emergency medical service to a dwelling, business, or other structure that is located in unincorporated territory of a county; and (2) that is not required by, governed by, or subject to a contract or agreement under which the municipality is entitled to compensation by another political subdivision or any other entity or individuals for the emergency response or service run. Provides that the amount of the user fee or service charge may not exceed an amount reasonably related to the reasonable and just cost of conducting the emergency response or service run. Specifies that a municipality may collect any such user fee or service charge that is unpaid in the same manner as delinquent taxes are collected or by bringing a civil action.

#### [HB1301 Volunteer emergency management workers.](#)

Provides that certain injuries (including death) incurred by active duty members of the Indiana Guard Reserve and certain volunteer emergency management workers are compensable under the worker's compensation and occupational diseases law.

#### [HB1329 Public safety officer survivor insurance.](#)

Requires the employer of a public safety officer who dies in the line of duty to provide and pay for health coverage for the officer's survivors.

#### [HB1348 Energy conservation codes and standards.](#)

Requires the fire prevention and building safety commission to adopt the most recent edition of the: (1) International Energy Conservation Code as published by the International Code Council; or (2) American Society of Heating, Refrigerating, or Air-Conditioning Engineers Standard 90.1; for Class 1 structures before July 1, 2010. Requires the commission to adopt any subsequent equivalent editions of the code or standard not later than two years after the effective date of the subsequent edition.

#### [HB1362 Disabled volunteer firefighter weekly indemnity.](#)

Provides that the weekly indemnity due to a volunteer firefighter who becomes totally disabled as a result of the member's volunteer firefighting duties is, after June 30, 2009, at least \$262 and after July 23, 2009, at least the Indiana minimum wage computed on the basis of a forty (40) hour week, for up to a maximum of 260 weeks. Provides for certain death benefit insurance for an emergency medical services personnel who is a member of a volunteer fire department who dies in the line of duty. Extends medical treatment and burial expense provisions of the worker's compensation law to an emergency medical services personnel who is a member of a volunteer fire department. Allows units to procure certain insurance benefits to an emergency medical services personnel who is a member of a volunteer fire department. Provides for certain limited civil liability for emergency medical services personnel. Makes technical corrections.

#### [HB1426 Fire protection territories and taxation.](#)

Provides that for purposes of allocating any county adjusted gross income tax, county option income tax, and county economic development income tax distributions or excise tax distributions that are based on the amount of a taxing unit's property tax levies, each unit participating in a fire protection territory shall be considered to have imposed a part of the property tax levy imposed for the fire protection territory. Specifies that the part of the property tax levy imposed for the fire protection territory that is attributed to a particular participating unit is based on the percentage determined by dividing: (1) the participating unit's property tax levies imposed in the year before a property tax levy was first imposed for the fire property territory; by (2) the property tax levies imposed by all participating units in the year before a property tax levy was first imposed for the fire property territory. Provides that the legislative bodies of all participating units in a fire protection territory may agree to change the provider unit of the territory. Specifies that the provider unit may not be changed more than one time in a year.

#### [HB1443 Expungement of certain conviction records.](#)

Allows a sentencing court to expunge the records of certain felony and misdemeanor convictions committed before a person was 25 years of age if 12 years have passed since: (1) the completion of the person's sentence; and (2) the satisfaction of any other obligations imposed on the person as a part of the sentence. Allows a law enforcement agency, prosecuting attorney, or court to gain access to permanently sealed records under certain circumstances. Provides that if a court orders a person's records to be expunged, the person: (1) shall be treated for all purposes as if the person had not been arrested for or convicted of the felony or misdemeanor recorded in the expunged records; and (2) may legally state on an application for employment or any other document that the person has not been arrested for or convicted of the felony or misdemeanor recorded in the expunged records.

#### [HB1455 Autism training.](#)

Requires certain firefighter and law enforcement personnel to be trained in interacting with individuals with autism.

#### [HB1619 Emergency override ordinance.](#)

Allows a county or municipality to adopt an ordinance requiring a video service franchise holder to install the equipment necessary to provide both audio and visual emergency information and instructions during an emergency or disaster period. Provides that a video service franchise certificate shall contain a statement that the authority granted by the certificate is subject to an emergency override ordinance adopted by a municipality or county.

[SB0025 1977 pension fund military service credit.](#)

Authorizes under certain conditions a member of the 1977 police officers' and firefighters' pension and disability fund to purchase up to two years of service credit for active duty military service. (The introduced version of this bill was prepared by the pension management oversight commission.)

[SB0051 Police and firefighter hiring age.](#)

Increases from 35 years of age to 39 years of age the maximum age for hiring police officers and firefighters.

[SB0099 Actions based on exposure to hazardous substances.](#)

Provides statutes of limitations for causes of action for occupational disease, deficiencies in the design, planning, supervision, construction, or observation of construction of an improvement to real property, and product liability when the cause of action is based on an exposure to a hazardous substance. Provides for a one year period, ending July 1, 2010, to file an otherwise time-barred cause of action based on an exposure to a hazardous substance.

[SB0177 Fees for fire or other emergency services.](#)

Provides that a paid or volunteer fire department may impose a service charge on the operator of a toll road project for certain fire or other emergency protection services that the paid or volunteer fire department provides on the toll road project.

[SB0184 Consolidation of dispatch centers.](#)

Provides that a public safety agency located in a county that has consolidated public safety answering points (PSAPs) as required by law may not duplicate an emergency dispatch function performed by the remaining PSAPs located in the county.

[SB0234 Public safety funding.](#)

Eliminates the authority of a political subdivision to impose a property tax for public safety services. Imposes a public safety service fee instead of the property tax. Allows the imposition of an impact fee for capital improvements for public safety purposes. Requires a property insurer to pay a fire department reimbursement provided in a policy in response to the property owner's claim against the insurer. Allows a fire department to charge the property owner if the reimbursement is not paid.

[SB0251 Criminal intelligence information.](#)

Provides that criminal intelligence information concerning a particular individual or organization may be collected and maintained only if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity. Sets forth grounds for reasonable suspicion. Requires certain security measures for criminal justice agencies to use in maintaining and disseminating criminal intelligence information. Provides that a criminal justice agency may not include in a criminal intelligence system information that has been obtained in violation of the law. Provides that, unless dissemination of information to another person is necessary to avoid imminent danger to life or property, a criminal justice agency may disseminate information only to another criminal justice agency that follows security measures in maintaining and disseminating information. Makes a corresponding change to the statute governing the Indiana intelligence fusion center.

[SB0269 Various public safety commissions.](#)

Specifies the manner of approval for allocations from the emergency management contingency fund. Allows certain members of: (1) the homeland security foundation; (2) local emergency planning committees; and (3) the board of firefighting personnel standards and education; to appoint designees. Provides that all amusement and entertainment permits expire one year after the date of issuance.

[SB0270 Occupational certification requirements.](#)

Amends various provisions concerning certification and licensing requirements for: (1) emergency medical dispatchers and dispatch agencies; (2) regulated amusement device inspectors; and (3) boiler and pressure vessel inspectors. Deletes obsolete provisions. Repeals provisions concerning certification requirements for emergency medical dispatchers and dispatch agencies.

[SB0322 Firefighter training.](#)

Provides that a full-time firefighter employed after December 31, 2009, must complete the training for Firefighter I and Firefighter II during the firefighter's first year of employment as a full-time firefighter. Allows the education board of the division of preparedness and training of the department of homeland security (board) to grant six month extensions of time to complete the training requirements for any reason. Requires a fire department to request the extension on behalf of a firefighter employed by the department. Requires a fire department to report to the board when a firefighter employed by the department has completed the training requirements.

#### [SB0444 Consolidation of Marion County fire departments.](#)

Provides that on January 1, 2010, the fire departments of all of the following are consolidated into the fire department of the consolidated city: (1) The townships in the county containing the consolidated city. (2) A fire protection territory in the county containing the consolidated city. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Requires the consolidated fire department to develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. Requires the mayor of the consolidated city to establish a professional standards board with responsibility after December 31, 2009, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. Provides that the requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards. Specifies that a subcommittee of the professional standards board, under the direction of a board certified emergency physician, is responsible for certification and credentialing of emergency medical responders. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Establishes a maximum property tax levy for the consolidated city for property taxes payable in 2010, 2011, and 2012 that is the sum of the city's 2010 maximum levy plus the combined amounts levied in 2009 by the townships for firefighting. Specifies that the balance in the cumulative building and equipment fund for fire protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city be transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services. Provides that the fire department of an excluded city in Marion County may provide fire protection in any area that: (1) is in the township in which the excluded city is located; and (2) is being served by the township fire department. Specifies that the fire department of an excluded city may provide fire protection under this provision only if: (1) the mayor and legislative body of the excluded city; and (2) the township legislative body; agree that the fire department of the excluded city shall provide fire protection in that area. Provides that the approval of the agreement by the township trustee is not required. Specifies that if the fire department of the excluded city provides fire protection under this provision in any area of the township, the fire department of the consolidated city is not responsible for providing fire protection in that area of the township.

#### [SB0464 State trauma care committee.](#)

Establishes the state trauma care committee.

#### [SB0512 Elimination of townships.](#)

Abolishes, effective January 1, 2013, the offices of township trustee and township board, and transfers all township duties and responsibilities, including township assistance, fire protection, cemetery maintenance, weed control, and parks and recreation, to the county executive. Establishes a township assistance transition advisory committee in each county to prepare a plan for providing township assistance on a countywide basis. Requires the office of local technical assistance to review and modify the plan to meet statutory requirements. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts (including labor contracts), and indebtedness. Requires the department of local government finance (DLGF) to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Provides that a public safety planning board (board) is established on July 1, 2011, in each county not having a consolidated city. Requires the board to prepare before July 1, 2012, a binding public safety plan that applies to specified public safety services throughout the entire county. Provides that the plan must do the following: (1) Include local standards of service for public safety services. (2) Review and (if necessary) require the adjustment of any collaborative service arrangements related to public safety services. (3) Provide for a fair distribution of public safety services and the tax burden to pay for those public safety services. Prohibits the establishment of fire protection territories and fire protection districts after June 30, 2009. Requires the office of management and budget to establish an office of local technical assistance (office). Requires the office to: (1) promote sound fiscal, management, and operational practices in local government and assist units of local government in carrying out these practices; and (2) coordinate interaction between units of local government and state agencies. Requires the DLGF and the state board of accounts to consult with the office as the DLGF and the state board of accounts develop and adopt transition rules to assist units of local government that are consolidating entire units or specific functions. Allows a county after 2012 to: (1) provide county township assistance and public safety service at different levels of service in service districts in the county; and (2) apply property taxes or fees in different amounts in the service districts. Requires justification for providing services at different levels. Allows the county in later years to expand (but not contract) the service district in which service is provided at the higher level, or to provide the higher level of service in the entire county. Requires the advisory commission on intergovernmental relations to monitor the progress of local governments in implementing the recommendations made by the commission on local government reform and prepare an annual report of its findings.

#### [SB0550 County government.](#)

Provides that in counties other than Marion County, the county commissioners shall after January 1, 2011, and before July 1, 2011, adopt a resolution specifying whether: (1) the voters of the county shall elect a single county chief executive officer who has the executive powers and duties of the county and a county council that has the legislative and fiscal powers and duties of the county; or (2) the voters of the county shall elect a county council that is a combined county executive, legislative, and fiscal body that has the executive, legislative, and fiscal powers and duties of the county. Provides that in counties other than Marion County, county commissioners are eliminated effective January 1, 2013. Provides that in counties with a county chief executive officer, the initial county chief executive officer is elected at the November 2012 general election. Specifies that after December 31, 2012, certain powers currently exercised by a county's board of commissioners shall be exercised by the county

council. Provides that in counties with a county council that is a combined county executive, legislative, and fiscal body, the county council shall have three members elected from districts and two members elected at large. Provides that if the Constitution of the State of Indiana is amended so that it no longer requires the election in each county of a recorder, surveyor, coroner, auditor, or treasurer, individuals shall be appointed to those offices by the county executive (rather than elected) in counties other than Marion County. Specifies that individuals holding those offices at the time the Constitution is amended in such a manner may remain in office until the end of their terms of office. Provides that in counties other than Marion County, on the earlier of the end of the county assessor's term of office or a date after June 30, 2009, that the office of county assessor becomes vacant, the county executive shall appoint an individual to serve as county assessor and that the county assessor shall no longer be elected.